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ABSTRACT

For the past two years The Boston Project, a Massachusetts State Department of Education sponsored activity, has provided planning and technical assistance to the Boston public school system's administrative leadership in their efforts to comply with that state's Comprehensive Special Education Law, Chapter 766--a prototype of P.L. 94-142, the Education for All Handicapped Children Act. This paper reviews some of the implications for policies, procedures, and program development learned during the experience and believed to be generalizable to school districts beginning to implement P.L. 94-142. The author maintains that while the challenges of these laws are substantial, they can be implemented responsibly with a proactive leadership on the part of school superintendents and special education administrators; data-based, theory-based planning; collaborative program planning by education and other human service agencies; extensive training, particularly focused on building principals and special education administrators; strong monitoring and directed technical assistance provided by federal and state agencies; and additional resources. (Author/IRT)

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POLICY, PROCEDURES, AND PROGRAM DEVELOPMENT IN RESPONSE TO CHAPTER 766

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Policy, Procedures, and Program Development in Response to Chapter 766

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The purpose of this paper is to review and discuss learnings garnered over the past two years in our efforts to assist the Boston Public School System comply with the mandates of Massachusetts Comprehensive Special Education Statute, Chapter 766. A prototype for the Federal Education for All Handicapped Children Act, a case is being made here that Boston's experiences, successes and trials, are not at all atypical from those to be enjoyed by most other school systems, large and small, as they proceed to implement P.L. 94-142.

Chapter 766 was enacted to "remedy past inadequacies and inequities by defining the needs of children requiring special education in a broad and flexible manner." The law details the specific methods by which this "remedy" would take place and contains these major provisions:

A) Every child from 3 to 22 years of age in Massachusetts who does not have a high school diploma and is suspected of having special needs has the right to an evaluation from the local school district.

B) Annual screening program for entering kindergarten students and 3 and 4 year old children must be provided by the local school system in order to provide early identification and intervention for children with special needs.

C) Every child who is found to have special needs has the right to an individual educational program plan which must be implemented immediately.

D) Parents or guardians, as well as students who are above the age of 18 years, have the right to review and approve the proposed educational plan. There are provisions for appeal if the parent or student questions the proposed education plan.

E) Children may no longer be 'labeled' according to their handicapping condition and must be served in the program which is closest to a regular school program setting while meeting their particular needs.

F) Quarterly progress reports must be sent to parents or guardians based upon the goals and objectives of the educational plan. A new educational plan is written after the first 10 months and annually thereafter.

By Boston special education leadership's own assessment, statutory compliance for Boston required total organizational, procedural, and service delivery change as well as a comprehensive

and intensive re-training program for professional personnel and a redefinition/reallocation of resources. One of the country's first school systems to commit iteself to the education of the handicapped, Boston had been unable to keep pace with special education technological and programming innovations while at the same time bridging an expanding gap between service demands and shrinking resources.

Along with its essential components, Chapter 766 legislative development and passage could be viewed as a condensed version of P.L. 94-142 legislative history. Very much a consumer adovcated piece of legislation, the work became statute in 1972 for implementation with schools' opening in September of 1974. As it turned out, this was to be the same month of the same year when Phase I of Boston's federal desegregation order was to take place. The plans Boston's special education leadership had established to initiate compliance soon were subsumed under the system's desegregation planning and implementation effort. It is not the present intent to recount the particulars of Boston desegregation and its impact upon compliance with the special education statute. It is sufficient to say that many Boston school professionals and the State Department of Education spent an enormous amount of energy and resources in an attempt to maintain a sufficient level of educational program quality while moving the system into a compliance status with both the federal order and the State statute. With regard to the latter, what was needed was a coordinated, data-based, System's plan to, in fact, achieve

compliance over a specified period of time and an aggressive, proactive implementation of such a plan. The School System's leadership focus remained - some would say by necessity - on the federal desegregation phase-in orders.

The State Department of Education, as a co-defendant in the desegregation case and sympathetic to the realities of desegregating and complying with Chapter 766 at the same time, nevertheless could not abide by a lack of notable aggressiveness to comply. Boston was seen as somewhat of a bellwether district for Chapter 766. If Boston could begin to deal successfully with the law and its extensive regulations, other school districts would have less support for claims of an "impossible task."

In May of 1976 - two near-complete school years after mandated enactment of the law - the State Department of Education conducted an extensive Program Audit of one of the Boston School System's nine decentralized administrative districts. The findings of the review listed nineteen areas of statutory/regulatory non-compliance. Some of the more outstanding areas, and findings which we believe to be of a generalizable problem nature, include:

-Lack of clear interpretation of educational plans in native language of parents;

-Lack of vocational/occupational education programs for the handicapped;

-Lack of sufficient ancillary services;

-Lack of sufficient or appropriate materials and supplies;

-Special education classes in rooms not equal to established standards;

-Organization of the Department of Special Services by categorical disability labels as basis for service delivery. (As mentioned earlier, Chapter 766 required the 'delabeling' of students - mentally retarded, emotionally disturbed, learning disabled - and use of the generic term 'child with special needs.' This delabeling of children would require a delabeling of the programmatic and administrative structures which serviced children.)

-Lack of proper professional certifications of special education teachers;

-Numbers of children at home and in hospitals not evaluated and unserved.

Under an agreement between the State's Commissioner of Education, Gregory Anrig, then State Associate Commissioner for Special Education, Robert Audette, and Superintendent of Schools Marion Fahey, a special project was to be created and sponsored by the State Department to provide intensive assistance to the School System in its compliance efforts. The project, now called The Boston Project, has been operating since September of 1976 and, at any given time, plays one or more of the four change agent roles Havelock (1973) described: 1)A Catalyst; 2)A Solution-Giver; 3)A Process Helper; 4)A Resource Linker.

Project objectives include:

A) The development of a "Master Plan" for the implementation of all provisions of Chapter 766 and its Regulations.

B) The identification on an administrative district-by-administrative district basis of specific strengths and weaknesses of special education processes and structures.

C) The establishment of a process whereby all project proposals being submitted to any state funding source for the support or expansion of special education related efforts (1)meet identified and prioritized needs, (2)minimize duplication and (3)maximize impact upon the System's service delivery system.

D) The provision of technical assistance to the Superintendent of Schools, the School Board, and the Associate Superintendent for Special Services in their efforts to comply with Chapter 766 mandates.

E) The facilitation of collaboration between the Boston Public Schools, Department of Special Services, and the State Department's Division of Special Education and Regional Office.

F) The development and implementation of an evaluation design which measures the overall effectiveness of the project in meeting its objectives.

The Boston Project is a temporary intervention system which has focused much of its resources on the development, adoption, and implementation of a Master Plan which (1)will lead the School System to a substantial compliance status, (2)will establish a process for quality program development and implementation, and (3)will institutionalize a self-renewal capacity within the System so that gains are not transitory.

(A few years ago a colleague and friend, Fred Weintraub of the Council for Exceptional Children, said of the new special education statutes with their mandated due process, multi-disciplinary teams, and child service elements---"This is not a love thing anymore, it's a business." The challenge of policy, procedures, and program development in response to Chapter 766 or P.L. 94-142 is, in fact, bringing a 1978 business-like efficiency, effectiveness and accountability to the institution called school and to an educational option called special education.)

Obviously, critical to the Boston change strategy is the degree of ownership engendered in Boston Project activities and products by the Boston Public Schools special education leadership. Thus, while the Project often is the initiator of technical assistance ideas, there is, by definition, an intense collaborative relationship between the Project Director and the System's Associate Superintendent. Project products - such as the first two components of the Master Plan - are developed by Project staff with the Associate Superintendent for subsequent legitimation through

Boston's Department of Special Services and, subsequently, through the System's hierarchical structure. Thus, to continue the example, the Master Plan is known as the Boston Public Schools, Department of Special Services Master Plan for Chapter 766 Compliance and Program Development - not, the Boston Project's Plan for Compliance.

The Boston Master Plan reflects a business-like orientation both in terms of its tenet-base and aggressive implementation pace. Master Plan Goals are:

-To establish compliance with Chapter 766 by June 30, 1977;

-To maintain compliance with all aspects of Chapter 766 from the date of compliance forward;

-To employ the best standards of professional judgement for meeting the special needs of Boston's students;

-To employ the doctrine of the least restrictive alternative in the delivery of special services to Boston's students;

-To provide a continuum of services that will most appropriately meet the established needs of Boston's students;

-To design, implement, and measure that service delivery system which meets the above goals in the most effective, efficient, and cost-responsible way.

The Plan spans a five year period and is comprised of four components, each with multiple outcome expectations:

A. A Master Plan component for reaching substantial compliance with state and federal laws and regulations related to the education of handicapped children and youth.

B. A Master Plan component for definition and implementation of a contemporary, responsive leadership and management system.

C. A Master Plan component for definition and implementation of a comprehensive and responsive program and services delivery system.

D. A Master Plan component for definition and implementation of an on-going organizational self-renewal system.

There is overlapping development and implementation of each component as well as a corresponding dependency upon the fulfillment of major aspects of, say, Component A before Component B can be fully developed and/or implemented. While the goals and general component structure remain constant, the Plan is intended as a dynamic tool which grows with the Department and whose activities are contemporary with Department, School System, and external compliance (such as State Regulation revisions) and/or program development issues.

In Boston, Components A and B have been developed, adopted, and are now being implemented. Component C, the definition/re-definition of a continuum of programs and services, will be completed by the end of the Summer. Component D, the plan for implementing that continuum, will be devised and implemented immediately thereafter. This final component will incorporate a plan for the institutionalizing of a self-renewal system in order that the Boston Project can be responsibly terminated with assurance that the Boston School System has been invested with a continuous, data-based, theory-based planning and systems renewal orientation.

We could continue a discussion for the remainder of the evening about Boston's Master Plan - its conceptual focus, external/internal development dynamics, and its accomplishments and/or problems. The point is, however, that we have become convinced through our Boston experience

A) that (particularly for large school systems) compliance with a law as complex and as comprehensive as Chapter 766 in Massachusetts, Chapter 89 in Wisconsin, and/or P.L. 94-142 across the nation requires a conceptually sound, data-based plan;

B) that such a plan must demonstrate an aggressive intention on the part of the local school system to comply with the law;

C) that regulating agencies, state departments of education, federal bureaus, and the courts, must maintain their strong monitoring roles - keep pressure on - while, at the same time, allowing school systems sufficient degrees of freedom to move toward compliance via a responsible, self-determined, planned route.

Other convictions about policy implementation drawn from our Boston experience become critical elements to the planning and systems renewal theme.

Communications: Many school districts, and particularly large urban districts, have been traditionally somewhat closed systems. These new special education statutes, with their due process, parental involvement, interdisciplinary evaluation team dimensions, require an articulateness of 'who we are', 'what we're doing', 'to whom are we doing it', and 'why' imagined - even desired - but rarely ever achieved by school professionals. Anyone who has been associated with education understands that schools have not had much success in communicating very well either internally or externally. Now, not only must they be able to do both but are expected (1)to do so in the language of the child's home and (2)to do so effectively in planning together for a child's educational success.

Processes for student referral, evaluation, placement, and review must be clean, manageable, and shared with those most

intimately involved in those processes: classroom teachers, special education personnel, and parents. School professional languages need to be 'de-jargonized.' Program options must be indeed, options, so that real choices can be made. Again, such communication expertise has not been well appreciated or developed in the education profession and, thus, will require training, patience, and deliberateness.

Interagency Collaboration: There are at present very few states where collaboration between human service agencies - Departments of Public Welfare, Health, Mental Health - and education is anything but a topic for round-table discussion. This is also true with regard to bureaus, offices and divisions within the federal government. This lack of coordination at the federal and state levels results in duplicative, costly program efforts and, of most concern, inadequate and/or inappropriate services to children. Chapter 766 as well as well as the federal Education for All Handicapped Children Act require the local school district to provide or coordinate the delivery of all education related services necessary to the child's successful schooling. Unless the human service agency/education policy, planning, and communication gap is resolved, school systems will find their budgets overwhelmed by costs most appropriately borne by others. Such is most evidenced in the cities where programs for the severely handicapped and deinstitutionalized are very rapidly expanding.

Training: Probably no other task arena around the implementation of the new special education laws as been more discussed - save 'how we're going to pay for it' - than the comprehensive professional training and retraining required as a result of the laws' demands for some new behaviors. While certainly true that classroom teachers, special education personnel, educational assessors, and parents must re-orient some thinking as to how handicapped youngsters are to be treated by schools, the importance of two professional populations - building principals and special education administrators - must not be underestimated. The willingness of school principals to take equal responsibility for the educational success of all students in their buildings can only be realized through a demonstrated commitment to support their efforts, keep them informed, and consider them leadership partners. As suggested earlier, the professional and political survival of special education school administrators is contingent upon their capabilities to implement drastic systems change in an aggressive yet planned, effective yet efficient, program option expanding yet cost responsible way. All this must be accomplished while balancing/attending to the many demands of multiple constituencies. The fact is that neither many principals nor many special education administrators were trained to perform such responsibilities. Each, however, has a generally unrealized role in the success or failure of the other, and both will determine, to a large extent, the success or failure of the laws' implementation. For this reason, more than lip-service needs to

be paid to the training needs of these two populations.

'Do-ability': With as many of the challenges these new laws provide to educators and educational systems, the Boston experience has demonstrated that the task of implementation/compliance is eminently do-able. Foremost in the list of what is required for successful implementation is a leadership and administrative style on the part of a school system's superintendent and special education administrator which

A. recognizes the need for systems change and is proactive in efforts directed at effecting that change,

B. values and applies planning models,

C. appreciates/requires of self and staff data-based and shared decision-making,

D. understands that there are as many risks in taking an aggressive posture toward compliance as in taking a defensive, non-action posture.

Secondly, federal and state agencies charged with monitoring school district compliance are also charged with the responsibility of providing technical assistance to those school districts. Such assistance cannot be haphazard or undirected. In some cases, such as in large cities, assistance must be intensive and extensive. Assistance recipients, on the other hand, and, again, most particularly large city school districts, must recognize their need for positive, prospective involvement with their

respective state departments in the planning, development, and operation of programs for the handicapped.

Finally, success is contingent upon the ability of school districts to access sufficient resources. There is no doubt that the implementation of these mandated services and programs will require the allocation/re-allocation of human and material resources. A caveat: Monies and services to the handicapped will be drawn often from monies and services heretofore provided to the so-called regular education student. For this reason, the potential for professional and political backlash is substantial. Such a reality heightens the conviction that for the changes required by these laws to become fully adopted by the practicing education field, acquisition of additional resources must be accomplished in a planned, data-based, theory-based manner.

Summary

For the past two years, The Boston Project, a Massachusetts State Department of Education sponsored activity, has provided planning and technical assistance to Boston Public Schools administrative leadership in their efforts to comply with that State's Comprehensive Special Education Law, Chapter 766. This paper reviews some of the policy, procedural, and program development implications learned during that experience and believed to be generalizable to other settings as school districts across

the United States begin implementation of the Education for All Handicapped Children Act, P.L. 94-142.

The author maintains that while the challenges of these laws to educators and educational systems is substantial they can be implemented responsibly with

A) proactive leadership on the part of school superintendents and special education administrators,

B) data-based, theory-based planning,

C) collaborative program planning by education and other human service agencies,

D) extensive training, particularly focused on building principals and special education administrators,

E) strong monitoring and directed technical assistance provided by federal and state agencies,

F) additional recources.

Reference

Havelock, G. Ronald, The Change Agent's Guide to Innovation in Education (New Jersey: Educational Technology Publications, 1973), p.5.